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REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

022727-0041

In re Application of: Mehmet Toner, Michael Russo, and Robert Bieganski

Application No.: 09/443,842-Conf. #7776

Filed: November 19, 1999

For: CONTROLLED REVERSIBLE PORATION FOR PRESERVATION OF BIOLOGICAL
MATERIALS

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The owners*, The General Hospital Corp. and the Massachusetts Institute of Technology, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,127,177. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

February 20, 2004

Date

02/27/2004 SDENB011 00000013 09443842

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- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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